

9 MAY 1984

Congressional Committees Ambivalent On Role as Overseers of CIA Activities

By DAVID ROGERS

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — The Central Intelligence Agency ship that directed the mining of Nicaraguan harbors has returned to its home port, but finding a safe harbor for the agency and the twin congressional committees assigned to oversee it will take much longer.

A month after the disclosure of the mining operation, the episode remains an embarrassment to key

senators. It is a reminder as well of the fragile structure by which both

houses of Congress review CIA activities.

From its outset, the Nicaragua war has posed a major test of guidelines enacted by Congress only months before the larger covert operation against Nicaragua's Marxist regime began in 1981. That law concentrated the responsibility for overseeing the agency in the House and Senate Intelligence committees. Republican senators, who won control of the Senate in the same period, are being forced to reexamine these provisions and their own institutional relationship with President Reagan.

In both houses, intelligence committee members are preparing new rules that they hope will make it tougher for the CIA to keep things from Congress. Senate committee members, for instance, are drafting fresh classified guidelines to specify precisely what the committee expects from the spy agency and what access senators' staff members will have to sensitive information.

"Basically, the idea is to put into the structure what we thought was understood," says Sen. William Cohen (R., Maine).

This effort could be jeopardized because both committees face an extraordinary turnover in their ranks under established rotation rules. Neither House Intelligence Chairman Edward Boland (D., Mass.) nor his Senate counterpart, Sen. Barry Goldwater (R., Ariz.), will remain on the panels after this Congress. And of the 29 members on the two committees, at least 17 are scheduled to be replaced.

Preventing 'Capture' by CIA

This rotation is meant to bring in new blood and prevent the committee from becoming "captive" to the CIA. Yet it also reflects ambivalence in Congress toward the entire oversight process as members seem to pursue, and sometimes to shy away from, knowledge of CIA activities. The same Mr. Goldwater, who so bitterly complained about not being informed, in the past hasn't hidden his distaste for overseeing CIA activities. The late Sen. Leverett Saltonstall, a crusty Massachusetts Republican, said three decades ago, there is a reluctance by the CIA to tell, and Congress to ask.

Foreign Insight

Vietnam and the furor over CIA abuses in the mid-1970s were said to change this attitude, but there has been a clear move back toward favoring the agency, beginning under President Carter. The 1980 act repealed the Hughes-Ryan amendment of 1974 that required reporting on covert operations to as many as eight House and Senate committees. And while the new law incorporated tighter reporting requirements, the two committees and the CIA apparently have only now begun to spell out what the act means in practice.

"Significant anticipated intelligence activities" must be reported, for example, but no rule specifies that "significant" automatically includes operations like the Nicaragua mining, which was approved by President Reagan after meetings with his high-level National Security Policy Group advisers.

"I'm not at all satisfied with the oversight function of Congress, says Rep. Lee Hamilton (D., Ind.), who is expected to chair the House committee next year. The Senate panel, which came under GOP control with Mr. Reagan, has been the most trusting—and lax according to critics—in overseeing the agency.

CIA Still Reluctant

Personality and structure have each played a part. CIA Director William Casey isn't a professional spy but a lawyer whose vague answers were legendary in the Capitol long before the mining flap. His much-published apology to the Senate temporarily soothed congressional tempers, but as recent exchanges with both committees indicate, the CIA is still reluctant to be as open as some members want.

"They give us the information but they give it reluctantly," says a senior House member. "That is the mark of an uneasy relationship."

Within the Senate committee, relations have been badly strained between staff and the CIA liaison office. And within the White House, there have been preliminary discussions that Vice President George Bush, a former CIA director, take a more direct role to improve the agency's ties to Congress.

The real force behind congressional oversight of executive agencies is the power of the purse, yet there has always been a reluctance to withhold money in cases of foreign policy. The intelligence committees could greatly strengthen their hand by restricting the use of contingency funds in the annual CIA budget, but neither has ever done so.

File: Congressional
Oversight Procedures

This is why the refusal of the House to fund the CIA's covert war in Nicaragua is considered so extraordinary. But without support from the Senate, the Democratic-controlled panel hasn't been able to enforce its demands. Its adversarial role has made it more aggressive in keeping watch on the CIA, but even when Chairman Boland knew about the mining, his best option was to wait until a secret session of the full House could be held on the administration's request for an additional \$21 million.

The disclosures in the press about the mining in Nicaragua made this moot but didn't save the Senate from embarrassment. In contrast with the House leadership, Democrats on the Senate committee have repeatedly sought to avoid any split with Republicans over Nicaragua, and ignorance—or the appearance of ignorance—was the most ready defense after the mining reports.